

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ADVANCED FIBER TECHNOLOGIES (AFT) TRUST,)	
)	
<i>Plaintiff/Counter-Defendant,</i>)	Civil Action No.:
)	1:07-CV-1191
v.)	
)	LEK/DRH
J&L FIBER SERVICES, INC.,)	
)	
<i>Defendant/Counter-Plaintiff.</i>)	ORAL ARGUMENT
)	REQUESTED
)	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OF INFRINGEMENT

To all parties hereto and their attorneys of record:

PLEASE TAKE NOTICE that Plaintiff Advanced Fiber Technologies (AFT) Trust , by and through its undersigned counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby moves this Court on April 17, 2009, or as soon thereafter as counsel can be heard in the courtroom of Hon. Lawrence E. Kahn, United States District Court in the Northern District of New York, for entry of summary judgment of infringement of claims 1-2, 6, 8, 10-15, 18-20, 23, 27, 29 and 37-39 of United States Patent RE 39,940 against Defendant J&L Fiber Services, Inc. under 35 U.S.C §271.

This Motion for Summary Judgment is based on this Motion, the accompanying Memorandum of Law, Statement of Undisputed Facts, Declaration of Robert Gooding dated March 13, 2009 and Exhibits, Declaration of Nicholas Mesiti, Esq. dated March 13, 2009 and Exhibits, and such other evidence and argument that the court may consider.

Request for Oral Argument

Plaintiff Advanced Fiber Technologies (AFT) Trust requests the opportunity to present oral argument regarding this Motion.

WHEREFORE, Plaintiff Advanced Fiber Technologies (AFT) Trust respectfully requests this Court enter an Order granting summary judgment of infringement of claims 1-2, 6, 8, 10-15, 18-20, 23, 27, 29 and 37-39 of United States Patent RE 39,940 against Defendant J&L Fiber Services, Inc.

Respectfully submitted,

Dated: March 13, 2009

/s/ Nicholas Mesiti
Nicholas Mesiti, Esq.
Alana M. Fuierer, Esq.
Shanna K. O'Brien, Esq.
HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579

Attorneys for Plaintiff